

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
v.) No. 3:12-00055
TIMOTHY WAYNE HEDGE) JUDGE CAMPBELL
JAMES BENJAMIN LEE)

ORDER

Pending before the Court are the United States' Motion For Permission To Contact Jurors (Docket No. 82), Defendant Lee's Objection To Government's Motion For Permission To Contact Jurors (Docket No. 83), and Defendant Hedge's Motion for Permission to Contact Jurors (Docket No. 84). Through the Motions, the Government and Defendant Hedge seek to contact the jurors who served during the trial of this case that resulted in a mistrial based on a hung jury in order to assist them in preparing for the retrial. Defendant Lee opposes the requests on public policy grounds including the interest in protecting jurors from unwarranted intrusions, and the finality of jury determinations.

Local Rule 39.01(f)(2) prohibits post-verdict interrogation of jurors without the prior approval of the Court. Restrictions on post-verdict juror interrogation are based on the public policy interests of encouraging frank discussions during deliberations, discouraging harassment of those engaging in jury service, and promoting finality. Tanner v. United States, 483 U.S. 107, 107 S.Ct. 2739, 97 L.Ed.2d 90 (1987).

As applied in this case, the Court concludes that the interest of the parties in improving their ability to prepare for the retrial is outweighed by the public policy interests described above. The Court notes that the parties are already aware of the split in the vote of the jury

because, at the conclusion of the trial, the Court asked the Foreperson to disclose that information. In addition, one of the jurors has expressed concern about being contacted about her jury service. For the reasons, the Motions are DENIED.

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE